

REMARKS

We are in receipt of the Office Action dated November 19, 2003, and the following remarks are made in light thereof.

Claims 1-10, 12, 14, 16, 18, 20, 22, 24, 26, 28 and 30-32 are pending in the application. Pursuant to the Office Action, each of these claims is rejected under 35 USC §103 as being unpatentable over “applicant’s admitted prior art” in combination with Chen 5,453,406. This rejection is respectfully traversed.

The claimed combination of a leveling film containing a siloxane structure and an EL layer achieves advantage over the prior art. For example, a relatively high temperature can be applied to a leveling film containing a siloxane structure as a baking process as compared to using an acryl resin film, which is commonly used as a leveling film. The degassing of a leveling film containing a siloxane structure is less than that of an acryl resin film. Since an EL layer is easily damaged by moisture and oxygen, less degassing prolongs the EL layer and results in higher reliability of the display device. Another advantage of the claimed device is that transmittance of a leveling film containing a siloxane structure is higher than that of an acryl resin film. Therefore, the loss of light is smaller for a device having a leveling film containing a siloxane structure where the light emitted from the EL layer is filtered out from the leveling film.

These advantages that accrue to the present invention - -and not known in the prior art- - must be considered by the examiner. (See, In re Piasecki, 223 USPQ 785, 787 (Fed. Cir. 1984) “all evidence on the question of obviousness must be considered”). Applicant submits that when these advantages are properly considered, the examiner’s prima facie case of obviousness is rebutted.

The examiner also concludes that “The method [of Chen] could be used to coat a display device,” citing MPEP 2111.02. This provision of the MPEP discusses the weight to be given to the claims preamble in determining the patentability of the claims. Presumably, the examiner concludes

that the preamble of the pending claims are to be given no weight. The examiner gives no reasons for this conclusion. Applicant submits that the preamble should be given weight, as the pending claims are method claims, further supporting the conclusion that the pending claims are not obvious over the cited art.

Therefore, the claims of the present application are patentable thereover. Accordingly, for at least the above-stated reasons, it is requested that the rejection of the claims of the present application be withdrawn.

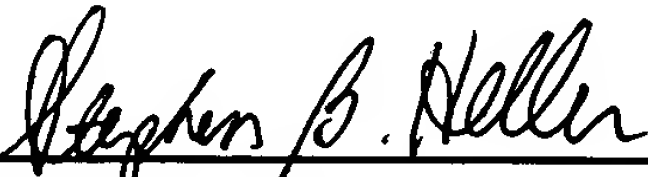
Conclusion

It is respectfully submitted that the present application is in a condition for allowance.

If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,



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